



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,634	10/08/2003	Prakash Parayil Mathew	138065UL (MHM 15115US01)	6101
23446	7590	05/11/2009	EXAMINER	
MCANDREWS HELD & MALLOY, LTD			RAMIREZ, JOHN FERNANDO	
500 WEST MADISON STREET			ART UNIT	PAPER NUMBER
SUITE 3400			3737	
CHICAGO, IL 60661			MAIL DATE	DELIVERY MODE
			05/11/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/681,634

Filing Date: October 08, 2003

Appellant(s): MATHEW, PRAKASH PARAYIL

Joseph M. Butscher
GE Medical Systems

A statement identifying by name the real party in interest is contained in the brief.

For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed February 9, 2009 appealing from the Office action mailed on August 19, 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

A substantially correct copy of appealed claims appears on pages 14-17 of the Appendix to the appellant's brief. The minor errors are as follows: Claims 2-3, 11-12, 15, 20, 24-27 are not listed as canceled.

(8) Evidence Relied Upon

6,129,671	Hastings	10-2000
2003/0088781	ShamRao	5-2003
5,315,999	Kinicki et al.	5-1994
6,260,021	Wong et al.	7-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 4-6, 8, 14, 16,18-19, 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hastings (US 6,129,671) in view of ShamRao (US 2003/0088781) and in further view of Kinicki et al. (US 5,315,999).

Hastings discloses a method and a system of registering to use a medical imaging system (abstract) by inputting a biometric identifier into a biometric authorization unit (abstract, col. 1, lines 40-54, col. 2, lines 19-39) to enabling imaging use of the medical imaging system when biometric data input at the biometric authorization unit matches stored biometric data (col. 2, lines 34-39), wherein the biometric identifier is at least one of a fingerprint, handprint, voice, iris, retina, and facial thermogram (column 3, lines 20-40).

Hastings does not expressly teach the steps of inputting personal information into the system, associating biometric data extracted from the biometric identifier with the personal information, storing the biometric data and associated personal information after initial registration, and associating preference information with the stored biometric data and with the personal identification number. However, ShamRao teaches the steps of inputting personal information into the system, associating biometric data extracted from the biometric identifier with the personal information, storing the biometric data and associated personal information after initial registration, and associating preference information with the stored biometric data and with the personal identification number (In ShamRao, see abstract, figures 2-3, 7, see par. 0009-0013, 0031, 0061).

Hastings and ShamRao do not appear to specifically disclose that the user preference information is with respect to imaging capabilities of the medical imaging

device. However, Kinicki et al. teach a method of entering, storing, retrieving and utilizing the configuration settings for a plurality of registered users of an ultrasound system:

- a. Entering configuration settings into the ultrasound imaging system for a plurality of the registered users (Column 2, Lines 36 - 37);
- b. Storing the entered configuration settings (Column 2, Lines 54 - 55);
- c. When enabling the individual to use the ultrasound imaging system retrieving the stored configuration settings for the individual (Column 2, Lines 56 - 57); and
- d. Automatically configuring the ultrasound imaging system according to the retrieved configuration settings (Column 2, Lines 23 - 59).

Accordingly, Kinicki complements the disclosing of Hastings by teaching a way to simplify the use of an ultrasound imaging system, and save time, by providing predetermined preset modes. Therefore, it would have been *prima facie* obvious to modify the ultrasound imaging system and user authorization system and method of Hastings and ShamRao to include user preset modes as taught by Kinicki et al. to obtain the invention in the instant Claims 1, 10 and 19.

Claims 7, 9, 10, 13, 17 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hastings (US 6,129,671) in view of ShamRao (US 2003/0088781) and Kinicki et al. (US 5,315,999) as applied to claims 1, 16 and 19 above, and in further view of Wong et al. (US 6,260,021).

Wong et al. discloses a method for medical image distribution from one or more existing image storage in communication with each other in a network (col. 1, lines 23-46) to a plurality of users at a client workstation using an image server (see abstract, fig. 1), wherein user information regarding use of the system by the user is stored (col. 10, lines 28-47), and user authorized data such as access information are stored (col. 13, lines 7-23). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method disclosed by Hastings, with the above discussed enhancements because such modifications would have provided to expand the domain of access and control of information transmitted between the medical image workstations.

(10) Response to Argument

In response to appellant's arguments with respect to claims 1, 10 and 19 arguing that none of the cited references Hastings, ShamRao nor Kinicki describes, teaches or suggests associating imaging preference information with biometric data. However, the examiner respectfully disagrees with applicant assertions for the following reasons:

Note: Any biometric system works using three steps: 1) Enrollment: The first time you use a biometric system, it records basic information about you, like your name or an identification number. It then captures an image or recording of your specific trait. 2) Storage: most systems don't store the complete image or recording. They instead analyze your trait and translate it into a code or graph. Some systems also record this data onto a smart card that you carry with you, and 3) Comparison: The next time you

use the system, it compares the trait you present to the information on file. Then, it either accepts or rejects that you are who you claim to be.

By the above definition it is clearly seen that any Biometric system inherently discloses the steps of: "wherein biometric data extracted from the biometric identifier is compared with stored biometric data in said data storage unit", "wherein the stored biometric data is associated with stored personal identification information", and "wherein the stored biometric data and the stored personal identification information are stored after an initial registration". Therefore, the system described by Hastings describes an ultrasound imaging system and ultrasound review station with a biophysical detector to identify and authenticate a user by using a biophysical attribute such as fingerprint, hand print, retina print, voice print etc... as described in col. 1, lines 40-54, col. 2, lines 39-50, and col. 3, lines 20-41.

As argued before, ShamRao teaches the steps of inputting personal information into the system, associating biometric data extracted from the biometric identifier with the personal information, storing the biometric data and associated personal information after initial registration, and associating preference information with the stored biometric data and with the personal identification number (In ShamRao, see abstract, figures 2-3, 7, see par. 0009-0013, 0031,0061). Hastings and ShamRao do not appear to specifically disclose that the user preference information is with respect to imaging capabilities of the medical imaging device. However, Kinicki et al. teach a method of entering, storing, retrieving and utilizing the configuration settings to a plurality of registered users of an ultrasound system: a. Entering configuration settings into the

ultrasound imaging system for a plurality. the registered users (Column 2, Lines 36 - 37); b. Storing the entered configuration settings (Column 2, Lines 54 - 55); c. When enabling the individual to use the ultrasound imaging system retrieving the stored configuration settings for the individual (Column 2, Lines 56 - 57); and d. Automatically configuring the ultrasound imaging system according to the retrieved configuration settings (Column 2, Lines 23 - 59) Accordingly, Kinicki complements the disclosing of Hastings by teaching a way to simplify the use of an ultrasound imaging system, and save time, by providing predetermined preset modes. Therefore, it would have been *prima facie* obvious to modify the ultrasound imaging system and user authorization system and method of Hastings and ShamRao to include user preset modes as taught by Kinicki et al. to obtain the invention in the instant claims 1, 10 and 19.

In response to the arguments of claims 7, 9, 10, 13, 17 and 22, the examiner respectfully disagrees with applicant's comments for at least the same reasons as discussed above.

In response to applicant's arguments of claim 21, the examiner respectfully disagrees with applicant's assertion. The ShamRao patent disclose during the personalization step, that the user is asked to scan their fingerprint using the built-in Biometric Identity Scanner 15, and is also asked to enter various personal identification and preference information. The PUM card can contain data that uniquely identifies the user. For example, the personalization data can include personal profile information including name, login id, passwords, address, phone numbers etc. (see Fig. 7 and paragraph 0061).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/John F Ramirez/

Examiner, Art Unit 3737

Conferees

Brian Casler
SPE Art Unit 3737
/BRIAN CASLER/
Supervisory Patent Examiner, Art Unit 3737

Angie Sykes
SPE TC 3700
/Angela D Sykes/
Supervisory Patent Examiner, Art Unit 3762